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10/826,641

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EXAMINER

WONG, JEFFREY KEITH

ART UNIT

PAPER NUMBER

3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,641	<b>Applicant(s)</b> OLIVE, SCOTT C.	
	<b>Examiner</b> Jeffrey K. Wong	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Application***

1. This Office-Action acknowledges the Amendment filed on 12/18/2009 and is a response to said Amendment.

### ***Claim Objections***

2. Claim 33 objected to because of the following informalities: The Claims filed on 12/18/2009 discloses Claim 33 at the bottom of page 8 but indicates that Claim 33 is canceled at the top of page 9. This creates confusion because the Examiner can not tell if that Claim is to be examined or canceled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-23, 26-27, 31-37, 39-40 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al., US PUB 2004/0072607 (Thomas) in view of Cannon et al., US PUB 2004/0106446 (Cannon).

Regarding Claim 22.

Thomas discloses a method for use with a gaming machine, the method comprising the steps of:

determining whether a game play button of a gaming machine has been actuated by a player(para 50. The desired window is selected by simply touching the screen in an area over the window. The touch screen can be viewed as the game play button in which a player must actuate);

initiating a play of a first game in response to determining that the game play button has been actuated(para 27), wherein the play of the first game comprises activating a plurality of pay lines at a cost to the player of only one wagering unit(para 26. Game play is initiated by inserting a number of coins or playing a number of credits, causing a CPU or game controller (not shown) to activate a number of pay lines corresponding to the number of coins or credits played);

determining whether the play of the first game results in a first game award outcome, wherein the first game award outcome comprises a first predefined combination of symbols associated with at least one of the pay line(para 29. Alternatively or additionally, the occurrence of "start-bonus" symbols and/or combination(s) may cause the processor to award coin(s) or credit(s) in the basic game);

in response to determining that the play of the first game resulted in the first game award outcome, informing the player that they are entitled to a play of a second game (Abstract. The bonus game is entered upon the occurrence of a special start-bonus game outcome in the basic mode).

Thomas failed to disclose initiating a play of the second game in response to determining that said game play button has been actuated after said step of informing.

However, Cannon discloses of a game that incorporates the use of a master start play button (elem 80) which is preferably configured for various modes of starting play of the selected games, which games, as previously described, may be of varying classes and types. Cannon also teaches a first game of chance can provide a person a second game of chance based on the outcome of the first game of chance (para 23). This is done so because there is a continuing need for gaming machine manufacturers to produce interesting and exciting game variations and attractive enhancements. In addition, casino operators constantly strive to increase profits by maximizing available floor space. Accordingly, there exists a need in the art for new gaming machines permitting concurrent play of multiple games on a single gaming device. This is attained by using a master play button.(para 18)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the master start button of Cannon's invention with Thomas' invention because it would permit concurrent play of multiple games on a single gaming device which would maximize available floor space. It is also obvious that the use of a single button for initiating game play, be it a first game or a second game, would be more convenient for players. This is because, much like how it would maximize floor space to have one gaming machine capable of playing multiple games, it would also maximize panel space by having one button capable of playing multiple games.

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Regarding Claims 23, 27.

Thomas discloses further comprising the steps of: determining whether the play of the second game results in a second game award outcome, wherein the second game award outcome comprises a second predefined combination of symbols associated with at least one of the pay lines(para 4. The bonus game may comprise any type of game, either similar to or completely different from the basic game, which is entered upon the occurrence of a selected event or outcome of the basic game...The '840 application discloses an embodiment wherein the basic game is a reel-type slot machine and the bonus game is a simulated reel-type slot machine implemented on a dot-matrix display.); allowing the player to select at least one of the second predefined combination of symbols(Abstract. In the bonus game, a player selects, one at a time, from an array of windows each associated with a bonus game outcome.); and awarding the player only one of a plurality of prizes based on the at least one of the second predefined combination of symbols selected by the player(Abstract. Credits are awarded based upon which ones of the windows are selected.).

Regarding Claim 26.

Thomas discloses a gaming machine comprising a game play button(para 27); and an electronic controller and a memory storage device comprising software, the electronic controller and the memory storage device being arranged such that the electronic controller can process the software, wherein processing of the software by the electronic controller causes the electronic controller to(para 75. The memory unit

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stores control software, operational instructions and data associated with the video game. It is well known that processors are used for implementing software):

determine whether a game play button of the gaming machine has been actuated by a player(para 27);

initiate a play of a first game in response to determining that the game play button has been actuated, wherein the play of the first game comprises activating a plurality of pay lines at a cost to the player of only one wagering unit(para 26);

determine whether the play of the first game results in a first game award outcome, wherein the first game award outcome comprises a first predefined combination of symbols associated with at least one of the pay lines(para 29);

in response to determining that the play of the first game resulted in the first game award outcome, inform the player that they are entitled to a play of a second game(Abstract);

Thomas failed to disclose initiating a play of the second game in response to determining that said game play button has been actuated after said step of informing.

However, Cannon discloses of a game of chance that incorporates the use of a master start play button (elem 80) which is preferably configured for various modes of starting play of the selected games, which games, as previously described, may be of varying classes and types. Cannon also teaches a first game of chance can provide a person a second game of chance based on the outcome of the first game of chance (para 23). This is done so because there is a continuing need for gaming machine manufacturers to produce interesting and exciting game variations and attractive

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enhancements. In addition, casino operators constantly strive to increase profits by maximizing available floor space. Accordingly, there exists a need in the art for new gaming machines permitting concurrent play of multiple games on a single gaming device.(para 18)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the master start button of Cannon's invention with Thomas' invention because it would permit concurrent play of multiple games on a single gaming device which would maximize available floor space. It is also obvious that the use of a single button for initiating game play, be it a first game or a second game, would be more convenient use for players. This is because, much like how it would maximize floor space to have one gaming machine capable of playing multiple games, it would also maximize panel space by having one button capable of playing multiple games.

Regarding Claims 31-33, 42

Thomas discloses wherein the bonus game may comprise any type of game, either similar to or completely different from the basic game, which is entered upon the occurrence of a selected event or outcome of the basic game(para 4).

Regarding Claim 34.

A gaming machine having a single wager option, comprising



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a credit input mechanism to receive credits(para 26. Game play is initiated by inserting a number of coins or playing a number of credits. It is also well known in the art that casino machines have credit input mechanism.); and a controller to initiate the base game in response to actuation of the button if sufficient credits remain to cover the single wager option(para 26. Game play is initiated by inserting a number of coins or playing a number of credits, causing a CPU or game controller (not shown) to activate a number of pay lines corresponding to the number of coins or credits played.), and to initiate the bonus feature game in response to actuation of the button if an award outcome of the base game entitles play of the bonus feature game(Abstract. The bonus game is entered upon the occurrence of a special start- bonus game outcome in the basic mode).

Thomas failed to disclose of a button associated with a base game and a bonus feature game;

However, Cannon discloses of a game of chance that incorporates the use of a master start play button (elem 80) which is preferably configured for various modes of starting play of the selected games, which games, as previously described, may be of varying classes and types. Cannon also teaches a first game of chance can provide a person a second game of chance based on the outcome of the first game of chance (para 23). This is done so because there is a continuing need for gaming machine manufacturers to produce interesting and exciting game variations and attractive enhancements. In addition, casino operators constantly strive to increase profits by maximizing available floor space. Accordingly, there exists a need in the art for new

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gaming machines permitting concurrent play of multiple games on a single gaming device.(para 18)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the master start button of Cannon's invention with Thomas' invention because it would permit concurrent play of multiple games on a single gaming device which would maximize available floor space. It is also obvious that the use of a single button for initiating game play, be it a first game or a second game, would be more convenient use for players. This is because, much like how it would maximize floor space to have one gaming machine capable of playing multiple games, it would also maximize panel space by having one button capable of playing multiple games.

Regarding Claim 35.

Thomas further discloses comprising a video display to display the button, and a touch sensor to sense actuation of the button(para 50).

Regarding Claim 36.

Thomas further discloses wherein the base game comprises a spinning reel game having a plurality of reels and a plurality of pay lines(Abstract), the single wager option activates the plurality of pay lines(para 26), and the video display is to display the plurality of reels(para 26. The slot machine 10 includes a display window 12 through which a player may observe three spinning

Regarding Claim 37.

Thomas further discloses wherein the controller determines an award outcome of the bonus feature game based upon a combination of symbols associated with at least one of the pay lines, receives a selection of at least one of the symbols, and awards one of a plurality of prizes based on the selection(para 29. Alternatively or additionally, the occurrence of "start-bonus" symbols and/or combination(s) may cause the processor to award coin(s) or credit(s) in the basic game).

Regarding Claim 39.

Thomas discloses comprising the step of altering the at least one of the second predefined combination of symbols selected by the player or randomly selected by the gaming machine to reveal information about the one of the plurality of prizes to be awarded to the player (para 51. Upon selection of a selection element, the game controller causes the outcome associated with the selected selection element to be revealed on the display).

Regarding Claim 40.

Thomas further discloses wherein the base game comprises a spinning reel game having a plurality of reels and a plurality of pay lines (Abstract), the single wager option activates the plurality of pay lines (para 26), and the controller determines an award outcome of the bonus feature game based upon a combination of

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symbols associated with at least one of the pay lines, receives a selection of at least one of the symbols, and awards one of a plurality of prizes based on the selection (para 29).

5. Claims 24-25, 28-30, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al., US PUB 2004/0072607(Thomas) and Cannon, US PUB 2004/0106446 (Cannon) as applied to claim 22 above, and further in view of Vancura, US PUB 2004/0219963(Vancura).

Regarding Claims 24, 28.

Thomas and Cannon failed to disclose comprising the step of causing the gaming machine to randomly select at least one of the second predefined combination of symbols if the player does not selected at least one of the second predefined combination of symbols with a period of time.

However, Vacura discloses of an invention related to casino games and, in particular, to improvements in the methods of playing timed bonus games on an underlying game (para 2) that can be applied to slot machines (para 5) because there exists a continual desire to limit the temporal length of the bonus game, so as to maximize the house advantage and to minimize moneymaking "down time" of the underlying casino gaming device(para 8) where if a bonus timer does expire, then there exists a design and method step choice of the player as to how the gaming is to proceed. In a preferred embodiment described above, the player is simply provided with a random response, and is awarded based on the accuracy of the randomly selected response(para 32).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the timer of Vancura's teachings with Thomas' bonus teachings as means of maximizing the house advantage and minimizing moneymaking "down time" of the underlying casino gaming device as taught by Vancura.

Regarding Claims 25, 29.

Thomas discloses further comprising the step of altering the at least one of the second predefined combination of symbols selected by the player or randomly selected by the gaming machine to reveal information about the one of the plurality of prizes to be awarded to the player (para 51. Upon selection of a selection element, the game controller causes the outcome associated with the selected selection element to be revealed on the display).

Regarding Claim 30.

Thomas discloses wherein said game play button includes visual indicia informing the player that said game play button is for (1) actuation to initiate play of a base game and (2) actuation to initiate play of a feature game(para 77. The operator interface may comprise any combination of push buttons, joysticks, keypads, touch- screens and the like. The game controller executes control software in the memory according to the player inputs and communicates the resulting video game activity including, for example, text, animations and background graphics to the graphics display.)

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Regarding Claim 38, 41.

Vacura discloses of an invention related to casino games and, in particular, to improvements in the methods of playing timed bonus games on an underlying game (para 2) that can be applied to slot machines (para 5) because there exists a continual desire to limit the temporal length of the bonus game, so as to maximize the house advantage and to minimize moneymaking "down time" of the underlying casino gaming device(para 8) where if a bonus timer does expire, then there exists a design and method step choice of the player as to how the gaming is to proceed. In a preferred embodiment described above, the player is simply provided with a random response, and is awarded based on the accuracy of the randomly selected response(para 32).

### ***Response to Arguments***

6. Applicant's arguments, filed 12/18/2009, with respect to the rejection(s) of claim(s) 22-23, 26-27, 31-37 and 39 under 35 USC § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cannon et al., US 2007/0106446.

7. The Examiner acknowledges that Claim 40 was not properly identified in the previous Office Action and had made the proper correction to identify the art to render Claim 40 unpatentable.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Primary Examiner, Art Unit 3714

JKW